

15541 U.S. PTO  
07/24/03

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR §1.10 on the date indicated below and addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Barbara McBrayer

Printed Name

Signature

EL439619728US

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*Barbara McBrayer*

*July 24, 2003*

Date of Deposit

Cygnus Docket 0235.06  
Serial No: 1.53(b) of 09/911,341  
PATENT

08306 U.S. PTO  
10/626896  
07/24/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Timothy C. DUNN, et al.

Examiner:  
C. Chin

Serial Number: 1.53(b) of 09/911,341

Group Art Unit:  
1641

Filed: Even date herewith

For: METHOD AND DEVICE FOR PREDICTING  
PHYSIOLOGICAL VALUES

**REQUEST FOR FILING A CONTINUATION APPLICATION**

Box Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a X continuation   divisional application under 37 CFR §1.53(b) of pending prior application Serial No. 09/911,341 filed on July 23, 2001, for Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE, and Charles W. WEI, for METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES.

1. X Enclosed is an application filed under 37 CFR §1.53(b)(1). No new matter has been added.
2.   Enclosed is a copy of the verified statement of small entity status.

3.  Cancel in this application the original claims 10-14 and 20-24 of the prior application (without prejudice and without disclaimer) before calculating the filing fee. Thus, claims 1-9 and 15-19 are pending.

4.  The filing fee is calculated below:

A. Basic Application Fee		\$750.00
B. Total Claims (14-20= 1)	x \$18	\$0.00
C. Independent Claims (2-3=0)	x \$80	\$0.00
D. If multiple claims present, add		\$270
E. Total Application Fee		<u>\$750.00</u>
F. If verified statement of Small Entity enclosed, reduce Total Application Fee by 50%		\$0.00
G. Application Fee Due		\$750.00
H. Assignment Recording Fee of \$40 if assignment document is enclosed	\$40	\$0.00
TOTAL FEE		<u>\$750.00</u>

5.  The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 03-4058. This, however, is not authorization to pay the issue fee.

6.  A check to cover the \$ \_\_\_\_\_ application fee is attached.

7.  The inventors of the invention being claimed in this application are: Timothy C. DUNN, Yalia JAYALAKSHMI, Ronald T. KURNIK, Matthew J. LESHO, Jonathan James OLIVER, Russell O. POTTS, Janet A. TAMADA, Steven Richard WATERHOUSE, and Charles W. WEI.

8.  This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR § 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

9. X Amend the specification as follows:

On page 1 please replace the paragraph at lines 4-11 as follows:

~~This application is a continuation-in-part of U.S. Patent Application Serial No. 09/241,929, filed 1 February 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 09/198,039, filed 23 November 1998, which is a continuation-in-part of U.S. Patent Application Serial No. 09/163,856, filed 30 September 1998; all applications are herein incorporated by reference in their entireties.~~

This application is a continuation of U.S. Patent Application Serial No. 09/911,341, filed 23 July 2003, now allowed, which is a continuation of U.S. Patent Application Serial No. 09/405,976, filed 27 September 1999, now U.S. Patent No. 6,326,160, which is a continuation-in-part of U.S. Application Serial No. 09/241,929, filed 1 February 1999, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 09/198,039, filed 23 November 1998, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 09/163,856, filed 30 September 1998, now U.S. Patent No. 6,180,416; priority is claimed to all these applications under 35 USC §120, and all applications are herein incorporated by reference in their entireties.

10.    Transfer the drawings from the pending prior application to this application and abandon said application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by a person authorized by §1.138 and before payment of issue fee.)

11. X New formal drawings (Figures 1A-10B) are enclosed.

12. X The prior application is assigned of record to Cygnus, Inc.

13.    A preliminary amendment is enclosed.

14. X Also enclosed:

- a) Power of Attorney and copy of Assignment;
- b) Communication;
- c) Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account;
- d) Information Disclosure Statement and Form 1449; and
- e) Copy of Declaration for Patent Application.

15. X Address all future communications to:

Barbara G. McClung  
Cygnus Inc.  
Intellectual Property Dept.  
400 Penobscot Drive  
Redwood City, CA 94063  
Telephone: 650-599-2527  
Facsimile: 650-599-3913

Respectfully submitted,



Gary R. Fabian  
Agent for Applicant  
Registration No. 33,875

Date: 24 July 2003

Cygnus, Inc.  
400 Penobscot Drive  
Redwood City, CA 94063  
Phone 650-369-4300  
Fax 650-599-3913

**CERTIFICATE OF EXPRESS MAILING**

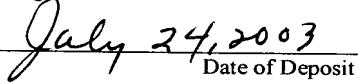
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PHYSIOLOGICAL VALUES

**BLANKET PETITION FOR EXTENSION OF TIME AND**  
**AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

If a paper is untimely filed in this application or any continued prosecution application derived therefrom by Applicant(s) or his/her/their representative, the Commissioner is hereby petitioned under 37 CFR § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR § 1.17(a)-(d) to Deposit Account No. 03-4058. This, however, is not authorization to pay the Issue Fee.

If a paper is concurrently or subsequently filed in this application or any continued prosecution application derived therefrom by Applicant(s) or his/her/their representative and a fee under 37 CFR §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner

is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 03-4058. This, however, is not authorization to pay the Issue Fee.

Dated: 24 July 2003

Respectfully submitted,

By :

Gary R. Fabian

Gary R. Fabian  
Agent for Applicants  
Registration No. 33,875

Cygnus, Inc.  
400 Penobscot Drive  
Redwood City, CA 94063  
Phone (650) 369-4300  
Fax (650) 599-3913

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**COMMUNICATION**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in the process of preparing a Preliminary Amendment in the above-identified continuation application. The Examiner is respectfully requested to contact the undersigned at 650-599-3994 before taking any action in this case.

Respectfully submitted,

*Gary R. Fabian*  
Gary R. Fabian  
Agent for Applicants  
Registration No. 33,875

Date: 24 July 2003

Cygnus, Inc.  
400 Penobscot Drive  
Redwood City, CA 94063  
Phone 650-369-4300  
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C. Chin

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**SUBMISSION OF FORMAL DRAWINGS**

Attn: Official Draftsman  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find the following:

1. Nine (9) sheets of formal drawings filed in connection with the above-identified application
2. Certificate of Express Mailing; and
3. Return Receipt Postcard.

It is believed that no fee is due. If for any reason a fee is found to be necessary, **Deposit**

Account 03-4058, Ref. 0235.06 may be charged therefor. This, however, is not authorization to pay the Issue Fee.

Respectfully submitted,  
Cygnus, Inc.

Dated: 24 July 2003

By: Gary R. Fabian  
Gary R. Fabian  
Agent for Applicants  
Registration No. 33,875

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400 Penobscot Drive  
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